

MINUTES OF A REGULAR SESSION OF THE COUNTY COMMISSION OF KANAWHA COUNTY, WEST VIRGINIA, HELD AT THE COURTHOUSE THEREOF ON THE 22ND DAY OF MARCH 2010.

A REGULAR MEETING OF THE COUNTY COMMISSION OF KANAWHA COUNTY, WEST VIRGINIA, WAS HELD ON THE 22ND DAY OF MARCH 2010. THE COURTROOM OF THE COUNTY COMMISSION LOCATED IN THE KANAWHA COUNTY COURTHOUSE IN CHARLESTON, WEST VIRGINIA, BEGINNING AT 8:32 A.M. COMPLETE AUDIO IS AVAILABLE IN THE COMMISSION OFFICE OR ONLINE AT <http://live.kanawha.us>.

THE FOLLOWING MEMBERS WERE PRESENT:

**W. KENT CARPER, PRESIDENT
HENRY C. SHORES, COMMISSIONER
DAVE HARDY, COMMISSIONER**

3-22-10	2010-164	Order Confirming and Approving Orders in Excess of \$4,999.99 to be issued by the Kanawha County Commission Purchasing Department
3-22-10	2010-165	Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission-General Fund
3-22-10	2010-166	Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission-Special Fund
3-22-10	2010-167	Resolution – American Recovery and Reinvestment Act of 2009 to the West Virginia Economic Development Authority for reallocation of up to \$11,000,000 of Recovery Zone Economic Bond Volume Cap (For West Virginia American Water Company’s Projects in the Eastern Part of Kanawha County)
3-22-10	2010-168	Resolution – 2009-2010 General Fund Budget Revision #17
3-22-10	2010-169	Order Authorizing the Clerk of the County Commission to issue a check from General County, #001-704.00-2-30.00, in the amount of Three Hundred Thirty Nine Thousand Nine Hundred Fifty-Seven Dollars and Fifty Cents (\$339,957.50) to the WV Regional Jail Authority representing payments for November, 2009
3-22-10	2010-170	Order approving overtime for Kanawha County Commission employees for pay period ending March 31, 2010, for hours worked in the pay period of March 1, 2010, through March 14, 2010
3-22-10	2010-171	Authorization by the Kanawha County Commission for its President to Execute a 2010 Grant Application for the West Virginia Division of Criminal Justice Services, WV Community Corrections Fund for the Kanawha County Day Report Program
3-22-10	2010-172	<u>New Employee</u> , Tom Sullivan, Commission Office, Custodian, permanent employment replacing Judy Taylor, \$25,000.00 per year, effective March 22, 2010

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| 3-22-10 | 2010-173 | Order authorizing the President of the Kanawha County Commission to sign Lease Agreement with the West Virginia Supreme Court for storage space located at 301 Christopher Street |
| 3-22-10 | 2010-174 | Order authorizing the President of the Kanawha County Commission to sign Agreement with the West Virginia Supreme Court for utilization of the Worthless Check Fund for the payment of the Worthless Check Clerk's Salary |
| 3-22-10 | 2010-175 | Order – Supplemental Checks (<i>as set forth below</i>) |

Document on 3/22/10 Agenda but NOT approved/processed:

New Employee, Amy McLeary, Commission Office Worthless Check Clerk, permanent employment replacing Adam Aaron, \$25,000.00 per year, effective March 22, 2010

Resolution approved/processed at 3/22/10 Commission Meeting:

Resolution – American Recovery and Reinvestment Act of 2009 to the West Virginia Economic Development Authority for reallocation of up to \$11,000,000 of Recovery Zone Economic Bond Volume Cap (For West Virginia American Water Company's Projects in the Eastern Part of Kanawha County)

New Hires approved/processed at 3/22/10 Commission Meeting:

New Employee, Tom Sullivan, Commission Office, Custodian, permanent employment replacing Judy Taylor, \$25,000.00 per year, effective March 22, 2010

Budget Revisions approved/processed at 3/22/10 Commission Meeting:

1. Fiscal Year 2009-2010 General Fund Budget Revision #17
2. Fiscal Year 2009-2010 Parking Facility Line Item Budget Revision
3. Fiscal Year 2009-2010 Home Confinement Line Item Budget Revision

Supplementals/Check Register approved/processed at the 3/22/10 Commission Meeting (Set Forth in 2010-175):

Supplemental voucher, Travelers, \$263,644.38, quarterly CGL policy

8:30 A.M. CALL TO ORDER

Pledge of Allegiance

Commission President Kent Carper

Wayne Morgan, President, West Virginia American Water Company

Moment of Silence and Recognition

Commissioner Carper asked to remember Donald Adkins, fallen member of the Glasgow Volunteer Fire Department. Commissioner Hardy praised C.W. Sigman for his leadership in the recovery efforts.

INTRODUCTION OF NEW EMPLOYEE

Introduction of new Commission employee Mark Johnson, Custodian, permanent employment to replace Scott Thomas (*hired on March 2, 2010, at the annual salary of \$25,000.00, Court Order 2010-131*)
Brent Pauley, County Manager

Commission Hardy moved to approve the new employee, Mark Johnson. Commissioner Shores seconded. Motion carried. Mr. Johnson was not present. Introduction to be placed on next agenda.

NEW EMPLOYEES

Commission Office

Tom Sullivan, Custodian, permanent employment replacing Judy Taylor, \$25,000.00 per year, effective March 22, 2010
Brent Pauley, County Manager

Commissioner Hardy moved to approve new employee, Tom Sullivan. Commissioner Shores seconded. Motion carried.

Amy McLeary, Worthless Check Clerk, permanent employment replacing Adam Aaron, \$25,000.00 per year, effective March 22, 2010
Brent Pauley, County Manager

Amy McLeary was unable to attend. This item is to be placed on the next agenda.

AGENDA ITEMS

- 8:30 A.M. Resolution regarding the Kanawha County Commission authorizing West Virginia American Water to utilize an additional \$4 Million of the County's Recovery Zone Economic Development Bond reallocation for a total project cost of \$11 Million which will be used for new water main replacement in the Upper Kanawha Valley area. This project includes improved fire protection and, will not only improve water service to the area, but will serve as an economic catalysis for new business development due the increased size of the water transmission line. Discussion to included, but limited to, authorizing the President of the County Commission to execute any necessary documentation related to these authorizations.**

**Commissioner Dave Hardy
Brent Pauley, County Manager
Mark Sankoff, P.E., Director of Engineering, WVAWC**

Commissioner Hardy stated that this is a historic moment for Eastern Kanawha County. Wayne Morgan, President of WV American Water Company (WVAWC), stated that it is a pleasure to enter another public-private partnership with the Kanawha County Commission. Commissioner Hardy stated that originally the bond amount was \$7 million and now there is an additional \$4 million available,

for a total of \$11 million. Mark Sankoff, the engineer on the project, stated that this project will allow for major reinforcements. He stated that there will be a 4 to 5 mile main line replaced and reinforced in the Belle area. There will be a 16 inch main line that runs from Cedar Grove to London and on to Hugheston. It will cross the river at Handley and the line will run to Montgomery. The river crossing line will supply Route 60 and 61. There will be a half million gallon tank at Hugheston. This will provide 40 fire hydrants to the area. Currently there are no hydrants in the area. This project will provide for economic development from the water service and fire protection stand point. According to the WV Contractor's Association, this project will generate 110 direct jobs, 110 indirect jobs, and 220 jobs supported upon completion. The project will take 18 months to complete and the estimated start is spring of 2011. Commissioner Carper stated that the groundbreaking will be in October. Wayne Morgan stated that the project will begin as soon as possible. Samme Gee, bond counsel for WVAWC, stated that Kanawha County RDA is the issuer of the bonds. They are Economic Recovery Bonds, with a 45 % interest subsidiary from the government. The payment will come through RDA. The interest rate is not determined until the project goes to market, but the estimate is about 3.5% for 30 years. Commissioner Carper verified that this project is at no cost to the taxpayers of Kanawha County and the Kanawha County Commission is not at risk. He stated it was not necessary for a bond opinion on this project. He requested Dale Petry and C.W. Sigman to review the hydrant plant location prior to completion and he would personally like to visit the location. Damron Bradshaw, Kanawha County RDA President, stated that RDA has already passed the resolution and agreed for this project to move forward. They are waiting for the County Commission to vote in order to take further action. Commissioner Shores moved to approve the resolution. Commissioner Hardy seconded. Commissioner Carper stated that there is an additional \$37 million available in bonds. He inquired as to if WVAWC would be interested in a waste water project. Mr. Morgan stated that they have entered into a project with Fayetteville that is working well and they are willing to research options for entering into such a project with Kanawha County. Commissioner Carper stated that staff is researching other utilities that could benefit from the additional bonds. He stated that this money is not a gift, it is a loan and he would like to thank WVAWC for taking on this project. Motion carried. Commissioners signed the resolution for the Recovery Zone Economic Development Bonds to be allocated for use with the water service project in the Upper Kanawha Valley area.

Discussion regarding payment of the November 2009 Jail Bill in the amount of \$339,957.50

Commission President Kent Carper

Dave Fontalbert stated that after payment of the November 2009 jail invoice, three invoices remain. Commissioner Carper stated that \$400,000 is owed to Kanawha County as part of the partial jail reimbursement. Commissioner Shores moved to approve the payment of the November 2009 Jail Bill. Commissioner Hardy seconded. Motion carried. Commissioner Carper stated that the December 2009 invoice will be paid on the next agenda.

2010 Legislative Update to include, but not be limited to, status of House Bill 4177 (*Dedication of five percent of the Coal Severance Tax to the counties where coal is located at time it is removed from ground; for Kanawha County, estimated new revenue of \$198,129.00 increase per year, or \$2,971,931.00 over the upcoming five years*)

Commission President Kent Carper
 Carrie Clendening, Grant Coordinator/Legislative Liaison

Carrie stated that the House and Senate voted on different versions of the bill, so it will not be going to the Governor until it is corrected and they both vote on the same bill. Commissioner Carper stated that this will not happen until the May session. Ms. Clendening stated that the 911 Bill was “killed” in the session. This bill would have cost Metro 911 \$70,000. Commissioner Carper stated that he received excellent remarks regarding the work done by Carrie from the Committee Chairs. She was able to provide excellent County representation when asked by the Governor, Kanawha County’s position on the Constitutional Amendment. She stated the position is that of support for the local option and not the state-wide mandate. Commissioner Carper stated that the 911 fee will have to increase next year. He stated that the last increase was 3 to 4 years ago.

Kanawha County Commission meetings through May, 2010

Commission President Kent Carper
 Commissioner Henry C. Shores
 Commissioner Dave Hardy

DATE	TIME
Thursday, April 1, 2010	5:00 p.m.
Thursday, April 15, 2010	5:00 p.m.
Tuesday, April 20, 2010 (Set Levy)	8:30 a.m.
Thursday, May 6, 2010	5:00 p.m.
Thursday, May 20, 2010 (<i>Regular Meeting and to Certify Election</i>)	5:00 p.m.

Kanawha County Commission Dates for 2010 Primary Election

Commission President Kent Carper
 Commissioner Henry C. Shores
 Commissioner Dave Hardy
 Marc J. Slotnick, County Attorney

DATE	TIME	EVENT/LOCATION
Wednesday, April 14, 2010	8:00 a.m.	Public Test, Early Voting, Voter's Registration Office
Tuesday, May 4, 2010	8:00 a.m.	Public Test, Christopher Street and Voter's Registration Office
Saturday, May 8, 2010	8:00 a.m. – 5:00 p.m.	Voting Supplies, Voter's Registration Office
Tuesday, May 11, 2010	6:30 a.m. to 7:30 p.m.	Primary Election Day
Monday, May 17, 2010 <i>(Commission to meet on Friday, May 14, 2010, 8:00 a.m., to recess to Monday, May 17, 2010, by agreement of Commission and County Clerk)</i>	7:00 a.m.	Canvass, Voter's Registration Office
Thursday, May 20, 2010	5:00 p.m.	Certify Election Results

PUBLIC COMMENT

COUNTY MANAGER'S REPORT

DEPUTY COUNTY MANAGER'S REPORT

CHIEF FISCAL OFFICER'S REPORT

Dave Fontalbert stated that there is currently \$1.2 million in the Financial Stabilization Fund. He feels this is 100 percent on target for where the Commission thought it would be. There is \$4 million cash on hand. He stated that at this time last year there was \$3 million owed in jail bills and only a balance of \$700, 000 in the Financial Stabilization Fund. Commissioner Carper stated that if projections are correct the County will be better off this time next year. He is recommending a "slow walk" to freeze purchase orders by June 1. He instructed staff to send a memo to elected officials notifying them of this freeze.

COUNTY ATTORNEY'S REPORT

CLERK OF THE WORKS REPORT

STAFF REPORTS

NEW BUSINESS

PURCHASE ORDERS

Commissioner Hardy moved to approve the purchase orders. Commissioner Shores seconded. Motion carried.

Order Confirming and Approving Purchase Orders in Excess of \$4,999.99 to be issued by the Kanawha County Commission Purchasing Department:

Vendor	Department	Amount	Comments/Description
Travelers	Commission	\$8,286.36	CGL Policy (<i>increase PO to a total of \$711,016.36 for quarterly CGL premiums to pay 4th quarter premium in the amount of \$263,644.38</i>)
Teed & Associates, PLLC	Commission	\$38,750.00	Single audit for Fiscal Year ending June 30, 2009
WV State Auditor's Office	Commission	\$12,870.00	Fiscal Year 2008, audit, agreed upon procedures Magistrate Court System Payable from General School Fund
Verizon	Commission	\$7,270.66	Telco charges for the Sheriff's Department
Pretera Center for Mental Health	Commission	\$40,000.00	PI services and involuntary emergency medical commitments
AT&T Mobility	Sheriff's LED	\$5,466.68	MDT services, January 24, 2010, through February 23, 2010
Allens Auto Part & Repair	Sheriff's LED	\$10,000.00	Miscellaneous maintenance, parts, and repairs for departmental fleet, February 2010
Communication Service, Inc.	Emer. Serv.	\$12,940.00	Install one outdoor warning siren at WV State College, per bids received 2/17/10 (<i>contribution from BayerCrop Science</i>)

ORDERS

Commissioner Hardy moved to approve the orders. Commissioner Shores seconded. Motion carried.

Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission for the General Fund (*documentation available for inspection at the County Clerk's Office as well as the Kanawha County Commission meeting of March 22, 2010*)

The Honorable Vera J. McCormick, County Clerk

Order Confirming and Approving Cash Disbursements to be made by the Clerk of the Kanawha County Commission for Special Funds (*documentation available for inspection at the County Clerk's Office as well as the Kanawha County Commission meeting of March 22, 2010*)

MINUTES FOR SPECIAL MEETING OF MARCH 22, 2010

The Honorable Vera J. McCormick, County Clerk

Resolution – 2009-2010 General Fund Budget Revision #17
David Fontalbert, Chief Fiscal Officer

Order Authorizing the Clerk of the County Commission to issue a check from General County, #001-704.00-2-30.00, in the amount of Three Hundred Thirty Nine Thousand Nine Hundred Fifty-Seven Dollars and Fifty Cents (\$339,957.50) to the WV Regional Jail Authority representing payments for November, 2009

David Fontalbert, Chief Fiscal Officer

Order approving overtime for Kanawha County Commission employees for pay period ending March 31, 2010, for hours worked in the pay period of March 1, 2010, through March 14, 2010

Brent Pauley, County Manager

Jennifer Sayre, Deputy County Manager

PAY PERIOD 03/01/2010-03/14/2010

NAME	OT STRAIGHT	AMOUNT	OT TIME/HALF	AMOUNT	TOTAL
Chandler, Tammie	2.23	\$47.51	2.58	\$82.46	\$129.97
Downey, Leslie	2.00	\$47.57	1.90	\$67.79	\$115.36
Fleck, Kimberly	1.93	\$45.91		\$0.00	\$45.91
Morrison, Rachelle	2.00	\$47.57	10.85	\$387.13	\$434.70
Hackney, Cathy	0.52	\$10.59		\$0.00	\$10.59
Lanham, Shellie	0.53	\$8.45		\$0.00	\$8.45
Sandoro, Colt	3.00	\$40.99	1.33	\$27.26	\$68.25
Henderson, Gail	2.50	\$32.05	4.65	\$89.42	\$121.47
Hodge, Edna	1.81	\$23.67		\$0.00	\$23.67
Melton, Joe	5.00	\$77.94	21.62	\$505.53	\$583.47
Prowse, James	5.00	\$64.10	9.75	\$187.50	\$251.60
Shafer, Sheila	2.50	\$32.05	1.47	\$28.27	\$60.32
Shaffer, Sandra	2.50	\$32.05	5.10	\$98.08	\$130.13
Withrow, Robert	5.00	\$64.10	12.48	\$240.00	\$304.10
Beller, Gary	1.33	\$17.05		\$0.00	\$17.05
Beller, Philip	1.33	\$38.88		\$0.00	\$38.88
Clark, Michael	4.52	\$63.83	1.05	\$22.24	\$86.07
Estep, Bill	2.50	\$33.97	6.50	\$132.50	\$166.47
Moore, Allen	5.00	\$69.23	1.43	\$29.70	\$98.93
Rucker, Raymond	2.33	\$29.87		\$0.00	\$29.87
Jones, Greg	2.18	\$46.89		\$0.00	\$46.89
Keller, Joanna	2.00	\$35.43	0.88	\$23.38	\$58.81
Robinson, Debbie	1.68	\$36.53		\$0.00	\$36.53
	59.39	\$946.23	81.59	\$1,921.26	\$2,867.49

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Authorization by the Kanawha County Commission for its President to Execute a 2010 Grant Application for the West Virginia Division of Criminal Justice Services, WV Community Corrections Fund for the Kanawha County Day Report Program

Carrie Clendening, Grant Coordinator/Legislative Liaison

New Employee, Tom Sullivan, Commission Office, Custodian, permanent employment replacing Judy Taylor, \$25,000.00 per year, effective March 22, 2010

Brent Pauley, County Manager

New Employee, Amy McLeary, Commission Office Worthless Check Clerk, permanent employment replacing Adam Aaron, \$25,000.00 per year, effective March 22, 2010

Brent Pauley, County Manager

Order authorizing the President of the Kanawha County Commission to sign Lease Agreement with the West Virginia Supreme Court for storage space located at 301 Christopher Street

Brent Pauley, County Manager

Order authorizing the President of the Kanawha County Commission to sign Agreement with the West Virginia Supreme Court for utilization of the Worthless Check Fund for the payment of the Worthless Check Clerk's Salary

Brent Pauley, County Manager

1. Fiscal Year 2009-2010 General Fund Budget Revision #17

Commissioner Hardy moved to approve the General Fund Budget Revision #17. Commissioner Shores seconded. Motion carried.

EXPENDITURES:

001-401.00-2-22.00	County Commission Dues & Subscriptions	\$2,652
001-401.00-2-23.00	County Commission Professional Services	10,000
001-401.00-3-41.00	County Commission Supplies	5,000
001-420.00-1-08.01	Custodial Overtime	3,000
001-420.00-1-09.00	Custodial Temporary	12,000
		(10,700
001-404.00-2-20.00	Sheriff's Tax Legal Publications)
001-404.00-2-23.00	Sheriff's Tax Professional Services	10,700
		(130,000
001-700.00-1-03.01	Sheriff's LED Fulltime)
001-700.00-1-08.01	Sheriff's LED Overtime	110,000
001-700.00-1-09.00	Sheriff's LED Temporary	20,000

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001-700.00-2-13.00	Sheriff's LED Utilities	3,000
001-700.00-2-16.00	Sheriff's LED M&R Equipment	(10,000)
001-700.00-3-41.02	Sheriff's LED Operating Grant	7,000
		(32,652
001-916.00-5-68.00	Public Libraries Contribution)

2. Fiscal Year 2009-2010 Parking Facility Line Item Budget Revision

Commissioner Hardy moved to approve the Parking Facility Line Item Budget Revision. Commissioner Shores seconded. Motion carried.

EXPENDITURES:

271-466.00-2-15.00	Parking Facility M&R Building	(\$1,000.00)
271-446.00-3-41.00	Parking Facility Uniforms	\$1,000.00

3. Fiscal Year 2009-2010 Home Confinement Line Item Budget Revision

Commissioner Hardy moved to approve the Home Confinement Line Item Budget Revision. Commissioner Shores seconded. Motion carried.

EXPENDITURES:

008-705.00-2-16.00	Home Confinement M&R Equipment	(\$2,000.00)
008-705.00-2-19.00	Home Confinement Building/Equip. Rental	\$2,000.00

CHECK REGISTERS/SUPPLEMENTALS (Order Confirming and Approving Disbursements to be made by the Clerk of the County Commission of Kanawha County)

Commissioner Shores moved to approve check registers/supplements. Commissioner Hardy seconded. Motion carried. It was verified that this is a payment for the 4th quarter of the 2009 fiscal year.

Supplemental voucher, Travelers, \$263,644.38, quarterly CGL policy

Commissioner Shores moved to recess until April 1, 2010 unless there is a need to call a special meeting with regard to more Economic Recovery Bonds being allocated. Commissioner Carper seconded. Motion carried. Commissioner Carper requested a letter be sent to the Governor thanking him for including Kanawha County in this opportunity.

❖ **AND BOLD DENOTES CHANGE TO THE AGENDA (Example, typographical error, addition, change and/or omission from first version of Agenda)**

◆ **AND BOLD PRINT DENOTES EMERGENCY ITEM**

THE KANAWHA COUNTY COMMISSION MEETING OF MARCH 22, 2010, RECESSED AT 9:15 A.M., UNTIL THE 1ST DAY OF APRIL, 2010, AT 5:00 P.M.

THE FOREGOING MINUTES ARE APPROVED THIS 1ST DAY OF APRIL, 2010.

PRESIDENT

COMMISSIONER

COMMISSIONER

COUNTY ATTORNEY